

HOUSE BILL No. 1567

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-43; IC 25-1-9-6.6.

Synopsis: Vaccines containing thimerosal. Prohibits the administration of influenza vaccines containing thimerosal to: (1) children at least six months but less than 36 months of age; and (2) pregnant women; unless no alternative vaccines are available or unless there is an emergency. Requires the state department of health to develop informational materials concerning trace amounts of mercury in vaccines to give to individuals administering vaccines. Requires individuals administering vaccines to give the materials to individuals receiving vaccines. Provides that a health care practitioner may be subject to disciplinary sanctions for failure to comply with these requirements.

Effective: July 1, 2009.

Bell, Tyler, Walorski

January 16, 2009, read first time and referred to Committee on Public Health.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1567

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-41-43 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]:

4 **Chapter 43. Administration of Vaccines**

5 **Sec. 1. Influenza vaccines administered to children at least six**
6 **(6) months of age but less than thirty-six (36) months of age and to**
7 **pregnant women may not contain the preservative thimerosal.**
8 **However, if:**

9 (1) **no alternative vaccines are available, vaccines with less**
10 **than five-tenths (0.5) micrograms per five-tenths (0.5)**
11 **milliliter dose of mercury may be administered or; or**

12 (2) **there is an emergency, including:**

13 (A) **a supply disruption;**

14 (B) **a vaccine shortage; or**

15 (C) **an epidemic as determined by the state health**
16 **commissioner;**

17 **vaccines with thimerosal may be administered.**



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1 **Sec. 2. (a) The department shall prepare information on the use**
 2 **of thimerosal and other preservatives in vaccines for health care**
 3 **providers to provide to:**

- 4 (1) parents;
 5 (2) guardians; or
 6 (3) recipients of vaccines;

7 **when administering vaccines.**

8 **(b) The information required in subsection (a) must include the**
 9 **following:**

10 (1) **Thimerosal:**

11 (A) **is a preservative used in vaccines; and**

12 (B) **contains forty-nine and six-tenths percent (49.6%)**
 13 **mercury.**

14 (2) **A brief history of the use of thimerosal in vaccines,**
 15 **including the request made in 1999 by the Academy of**
 16 **Pediatrics for the voluntary removal of thimerosal from**
 17 **vaccines.**

18 (3) **The availability of vaccines that do not contain thimerosal.**

19 (4) **Historical and factual information regarding thimerosal.**
 20 **This information must be updated periodically to include:**

21 (A) **recent developments in scientific knowledge;**

22 (B) **standards of health care practice; and**

23 (C) **legal requirements;**

24 **relevant to thimerosal.**

25 (5) **Other information that contributes to the ability of a**
 26 **patient, parent, or guardian to make an informed decision**
 27 **when choosing the type of vaccine to be administered.**

28 **(c) The department shall study and determine the feasibility of**
 29 **requiring that all vaccines used in Indiana be free of the**
 30 **preservative thimerosal. The department shall submit a written**
 31 **report of its findings to the general assembly not later than**
 32 **October 1, 2009. The report to the general assembly must be in an**
 33 **electronic format under IC 5-14-6.**

34 **SECTION 2. IC 25-1-9-6.6 IS ADDED TO THE INDIANA CODE**
 35 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 36 **1, 2009]: Sec. 6.6. In addition to the actions listed under section 4**
 37 **of this chapter that subject a practitioner to disciplinary sanctions,**
 38 **a practitioner is subject to disciplinary sanctions under section 9 of**
 39 **this chapter if, after a hearing, the board that regulates the**
 40 **practitioner finds that the practitioner has failed to provide a**
 41 **patient, or the parent or guardian of a patient, with the**
 42 **information provided by the state department of health to the**

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1 practitioner under IC 16-41-43 concerning the administration of
2 vaccines.

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